

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LARRY RICHARDS,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant

No. C-08-1532 MMC

**ORDER DENYING PLAINTIFF'S
MOTIONS FOR APPOINTMENT OF
COUNSEL**

Before the Court is plaintiff's motion for appointment of counsel, filed April 22, 2008, as well as a second motion for appointment of counsel, filed April 29, 2008.

The Court may appoint a pro se plaintiff counsel where the plaintiff demonstrates the presence of "exceptional circumstances." See Terrell v. Brewer, 935 F. 2d 1015, 1017 (9th Cir. 1991). "A finding of exceptional circumstances requires an evaluation of both the likelihood of success on the merits and the ability of the petitioner to articulate his claims pro se in light of the complexity of the legal issues involved." Id. (internal quotation and citation omitted).

Here, by separate order filed concurrently herewith, the Court has dismissed plaintiff's complaint and, in so ruling, has found plaintiff has no likelihood of success on the merits. Further, although plaintiff's claims lack merit, plaintiff is able to fully articulate the

1 basis for his claims.¹

2 Accordingly, the motions for appointment of counsel are hereby DENIED.

3 **IT IS SO ORDERED.**

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5 Dated: May 5, 2008

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MAXINE M. CHESNEY
United States District Judge

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¹To the extent plaintiff seeks counsel in light of plaintiff's asserted inability to attend
28 court proceedings because of his impairments, plaintiff's motions for appointment of
counsel are moot in light of the dismissal of the instant action.